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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Educational Development Inc, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1992]

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1. Article 24 of the Universal Declaration of Human Rights provides: "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." This right is reinforced in article 7 (d) of the International Covenant on Economic, Social and Cultural Rights.

2. International Educational Development believes that this right is an essential feature to protect the rights of workers, and is inextricably linked to, inter alia, the right to life, the right to the highest obtainable standard of health and all trade union rights.

3. The situation of workers in Japan presents us with a clear illustration of the result of systemwide violations of this right: the phenomenon of death by overwork. The predominance of this phenomenon in Japan has resulted in its being known worldwide by the Japanese word karoshi.

4. International Educational Development reported on death from overwork or karoshi in Japan at the 1991 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. We testified that karoshi has increased dramatically since 1980 in Japan, and now results in nearly 10,000 worker deaths per year.

5. International Educational Development regrets that to date, the Japanese Government appears unconcerned by karoshi. In fact, the Ministry of Labour in Japan apparently denies its existence. Nonetheless, survivors (mostly widows and children) of karoshi victims were heartened by our statements at the Sub-Commission, and a karoshi hotline, established in 1988, has received hundreds of calls since.

6. To compound the tragedy for the families of karoshi victims, the current compensation scheme in Japan for work-related injuries has served to deny more than 90 per cent of karoshi claims. The bereaved families are denied access to employer records, and in most cases, are not allowed to present evidence on the hours of overtime worked.

7. In October 1991, the Japanese Ministry of Labour reported that in 1990, 567 karoshi claims were filed for workers compensation, but only 33 claims succeeded. And in November 1991, the Supreme Court upheld the dismissal of Mr. Tanaka by Hitachi Corporation for a single refusal to work overtime.

8. Japanese workers worked 130 hours frequently uncompensated overtime in 1970. By 1990, the average worker worked 185 overtime hours. During the same period, the number of annual paid leave days declined from an already low 8.8 days to 7.9 days. In 1987, Japanese workers worked 200 hours longer than workers in the United States of America and nearly 500 hours longer than those in France and Germany.

9. Most overtime worked is uncompensated. For example, one Fuji Bank employee claims that male workers worked 3,000 hours per year of which 700 were unpaid overtime work. The situation is common in banks - in 1991 the Tokyo Labour Standards Bureau inspected 80 bank offices including the head offices of Daiichkangoyo Bank, Fuji Bank, Mitsubishi Bank, Kyowa Bank and the Bank of Tokyo and found that in 28 of the 80 offices, illegal overtime work without pay occurred.

10. In addition to uncompensated overtime work, many workers in Japan receive inadequate overtime pay. While most developed countries require payment of an additional 50 per cent of the regular wage for overtime work, the standard rate in Japan is 25 per cent. Workers in the auto industry work an average of 2,210 hours, including 291 overtime hours - frequently illegally and without pay.

11. Needless to say, excessive overtime work can lead to serious industrial illnesses and, increasingly in Japan, to early death. Examples in the auto industry: (a) A Toyota design engineer, died at 37 of a brain haemmorrhage, after having worked 3,000 hours a year; (b) Mr. Sokiguchi of Honda Canada, died of a heart attack at age 43, also after a number of years of overtime.

12. International Educational Development thinks that the Government of Japan should take effective measures to curb illegal overtime and to ensure that Japanese citizens enjoy their full human rights, including their right to rest and leisure time. To date, however, Japan has a poor record with workers' rights. Japan has refused to ratify International Labour Organisation conventions having provisions to limit over work. Japan also is alleged to have refused to ratify ILO Convention 1 (1919) as it was "underdeveloped".

13. International Educational Development urges the international community to pay closer attention to the phenomenon of karoshi, which although particularly grave in Japan, exists elsewhere. The Commission should request the Committee on Economic, Social and Cultural Rights to pay attention to karoshi in Japan and in other countries. The Commission should request all Governments to ratify the relevant ILO conventions. Finally, the Commission should call on Governments such as Japan to halt this human rights violation and to set up reasonable workers compensation measures to remedy existing violations. Japan should also ensure adequate annual paid vacations for its workers.